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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,255	02/20/2002	Thomas Kunzler	KUNZ/0001	6099

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EXAMINER

FOWLKES, ANDRE R

ART UNIT	PAPER NUMBER
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2192

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/079,255	Applicant(s) KUNZLER, THOMAS	
	Examiner Andre R. Fowlkes	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*TL*

### DETAILED ACTION

1. This action is in response to the amendment filed 2/9/05.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Gunter et al., (Gunter), U.S. Patent Application Publication No. 2001/0011370.

As per claim 1, Gunter discloses **a method for automatically generating flowcharting instructions from a source code** (§ 34:1-2, "server unit 20 translates code 64 into flow chart 68"), **comprising:**

**- loading source code statements into statement records of a data structure, wherein each statement record contains only one of the source code statements** (§ 35:1-5, "In accordance with one embodiment of the invention server unit 20 generates a DOT file (i.e. data structure) that contains the (source code statement records expressed as)... nodes and edges, in DOT syntax, relating to the graph

representations for flow chart 68. This DOT file is then provided to graphic drawing unit"),

**- identifying each branch statement contained in the statement records (¶ 34:7-11, "The condition "while" in code 64 is translated to a diamond box 76. As illustrated two branches or edges 78 and 80 are also generated relating to the "YES" and "NO" conditions associated with "while" construct of code 64.", and fig. 2B),**

**- determining one or more branch destinations for each of the branch statements (¶ 34:7-11, "The condition "while" in code 64 is translated to a diamond box 76. As illustrated two branches or edges 78 and 80 are also generated relating to the "YES" and "NO" conditions associated with "while" construct of code 64.", and fig. 2B),**

**- storing the one or more branch destinations in one or more destination records of the data structure, wherein the one or more destination records correspond to the statement record of the branch statement (¶ 34:7-11, "The condition "while" in code 64 is translated to a diamond box 76. As illustrated two branches or edges 78 and 80 are also generated relating to the "YES" and "NO" conditions associated with "while" construct of code 64.", and fig. 2B),**

**- identifying a statement type for each statement contained in the statement records (¶ 21:3-7, "Program constructs include individual operations that together accomplish a software task, such as "begin" statements, "end" statements, "if" statements, "if-then-else" statements, "wait" statements and "assignment" statements")**

**- exporting the data structure into a drawing program and displaying the flowchart (¶ 35:4-16, "This DOT file is then provided (i.e. exported) to graphic drawing**

unit 22 via graphical interface unit 18 to determine the physical layout of the nodes and edges on display unit 14. Thus, graphic drawing unit 22 annotates graph objects with specific coordinates. Such coordinates depend, among other things, on the size of display unit 14, the number of concurrent programs being tested, the size of each program and other physical constraints of the system. Once graphic drawing unit 22 completes its graph lay-out operation, it generates an updated DOT file that includes the physical lay-out information as well. The updated DOT file is then provided to graphical interface unit 18 so that it could be displayed on display unit").

As per claim 2, the rejection of claim 1 is incorporated and further, Gunter discloses **maintaining a record management system of statement conventions comprising defined branch statement records and alternative branch statement records, wherein each alternative branch statement record is associated with one defined branch statement record** (§ 34:7-11, "The condition "while" in code 64 is translated to a diamond box 76. As illustrated two branches or edges 78 and 80 are also generated relating to the "YES" (i.e. branch statement record) and "NO" (i.e. alternative branch statement) conditions associated with "while" construct of code 64.", and fig. 2B)

As per claim 3, the rejection of claim 2 is incorporated and further, Gunter discloses that **the record management system of statement conventions is selected from a database, a spreadsheet, an array, a set of coded rules in an applications program and combinations thereof** (§ 66:5-8, "Thus, a data structure in

file system unit 16 is created that contains information relating to all the edges (and nodes) in the flow chart, including the label on each edge”).

As per claim 4, the rejection of claim 2 is incorporated and further, Gunter discloses **finding any alternative branch statements in the statement records; and replacing each of the found alternative branch statements with the associated defined statement** (¶ 34:7-11, “The condition “while” in code 64 is translated (i.e. replaced with) a diamond box 76. As illustrated two branches or edges 78 and 80 are also generated relating to the “YES” (i.e. branch statement record) and “NO” (i.e. alternative branch statement) conditions associated with “while” construct of code 64”).

As per claim 5, the rejection of claim 1 is incorporated and further, Gunter discloses that **the source code statements are written in a computer programming language selected from FORTRAN, COBOL, C/C++, PASCAL, Visual Basic, and PERL** (see fig. 2A, items 60 and 62 and associated text (e.g. ¶ 32:1-38:10)).

As per claim 6, the rejection of claim 1 is incorporated and further, Gunter discloses that **the statement types are selected from decision, input, output, comment, computational, arithmetic, data, type, logic, start, loop, transfer and end** (¶ 21:3-7, “Program constructs include individual operations that together accomplish a software task, such as “begin” statements, “end” statements, “if”

statements, "if-then-else" statements, "wait" statements and "assignment" statements", and fig. 2A, items 60 and 62 and associated text (e.g. ¶ 32:1-38:10)).

As per claim 7, the rejection of claim 1 is incorporated and further, Gunter discloses that **the statement types are selected from executable statements, non-executable statements, and comment statements** (¶ 21:3-7, "Program constructs include individual operations that together accomplish a software task, such as "begin" statements, "end" statements, "if" statements, "if-then-else" statements, "wait" statements and "assignment" statements", and fig. 2A, items 60 and 62 and associated text (e.g. ¶ 32:1-38:10)).

As per claim 8, the rejection of claim 1 is incorporated and further, Gunter discloses that **the statement types are selected from chain statements and branch statements** (¶ 21:3-7, "Program constructs include individual operations that together accomplish a software task, such as "begin" statements, "end" statements, "if" statements, "if-then-else" statements, "wait" statements and "assignment" statements", and fig. 2A, items 60 and 62 and associated text (e.g. ¶ 32:1-38:10)).

As per claim 9, the rejection of claim 1 is incorporated and further, Gunter discloses **maintaining a record management system of statement classifications comprising, for each source code statement type, a statement key, a statement format, destination locations, branch connector labels, a flowchart shape, and**

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**combinations thereof** (§ 66:5-8, "Thus, a data structure in file system unit 16 is created that contains information relating to all the edges (and nodes) in the flow chart, including the label on each edge").

As per claim 10, the rejection of claim 9 is incorporated and further, Gunter discloses that **the statement key comprises a word, a phrase, punctuation marks, other symbols, and combinations thereof** (§ 21:3-7, "Program constructs include individual operations that together accomplish a software task, such as "begin" statements, "end" statements, "if" statements, "if-then-else" statements, "wait" statements and "assignment" statements (i.e. statement keys)").

As per claim 11, the rejection of claim 9 is incorporated and further, Gunter discloses that **the record management system of statement classifications is selected from a database, a spreadsheet, an array, a set of coded rules in an applications program, and combinations thereof** (§ 66:5-8, "Thus, a data structure in file system unit 16 is created that contains information relating to all the edges in the flow chart, including the label on each edge").

As per claim 12, the rejection of claim 1 is incorporated and further, Gunter discloses that the step of identifying a statement type for each of the source code statements contained in the statement records further comprises:



- **matching a statement key with each of the source code statements, wherein the statement key is associated with one statement type, and wherein the statement key comprises a word, a phrase, punctuation marks, other symbols, and combinations thereof**, (¶ 21:3-7, "Program constructs include individual operations that together accomplish a software task, such as "begin" statements, "end" statements, "if" statements, "if-then-else" statements, "wait" statements and "assignment" statements (i.e. statement keys)", **and recording in the data structure the statement type for each statement in the statement records** (¶ 66:5-8, "Thus, a data structure in file system unit 16 is created that contains information relating to all the edges in the flow chart, including the label on each edge").

As per claim 13, the rejection of claim 12 is incorporated and further, Gunter discloses **assigning a flowchart shape to each statement of the source code, wherein each flowchart shape is associated with the statement type of each statement of the source code**, (¶ 34:1-8, "Thus, as illustrated in FIGS. 2a and 2b, server unit 20 translates code 64 into flow chart 68. For example, the first construct "begin" in code 64 is translated into a box 70 containing a text "0:START" in flow chart 68. Similarly, the assignments of variables "y1" and "y2" are translated to assignment boxes 72 and 74 containing corresponding assignment texts. The condition "while" in code 64 is translated to a diamond box 76. As illustrated two branches or edges 78 and 80 are also generated relating to the "YES" and "NO" conditions associated with "while" construct of code 64. Condition 82 of code 64 is translated to diamond box 84 in flow

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chart 66”), and storing the assigned flowchart shape in a shape record in the data structure corresponding to the statement record (¶ 66:5-8, “Thus, a data structure in file system unit 16 is created that contains information relating to all the edges (and nodes) in the flow chart, including the label on each edge”).

As per claim 14, the rejection of claim 1 is incorporated and further, Gunter discloses that **the data structure is selected from a spreadsheet, a database, a linked list, an array and combinations thereof** (¶ 66:5-8, “Thus, a data structure in file system unit 16 is created that contains information relating to all the edges in the flow chart, including the label on each edge”).

As per claim 15, the rejection of claim 1 is incorporated and further, Gunter discloses that **the data structure is created in a computer language selected from COBOL, C, PASCAL and C/C.sup.++** (¶ 33:3-5, “In accordance with one embodiment of the invention, code 64 is written in a language that employs Pascal-like syntax, although the invention is not limited in scope in that respect and other languages may be employed in generating code”).

As per claim 16, the rejection of claim 1 is incorporated and further, Gunter discloses **the step of loading source code statements into statement records of a data structure further comprises:**

- **assigning a unique statement number to each statement record** (fig. 2B, all statements are assigned a unique statement number, e.g. item 72, "1: y:1=x", and associated text, (§ 32:1-38:10)),

- **storing each unique statement number as a statement number record associated with each statement record in the data structure** (§ 66:5-8, "Thus, a data structure in file system unit 16 is created that contains information relating to all the edges (and nodes) in the flow chart, including the label on each edge").

As per claim 17, the rejection of claim 1 is incorporated and further, Gunter discloses the step of determining one or more branch destinations further comprises:

- **parsing each identified branch statement to find the one or more branch destinations designated within the branch statement** (§ 34:7-11, "The condition "while" in code 64 is translated (i.e. replaced with) a diamond box 76. As illustrated two branches or edges 78 and 80 are also generated relating to the "YES" (i.e. branch statement record) and "NO" (i.e. alternative branch statement) conditions associated with "while" construct of code 64."),

- **recording the one or more branch destinations into one or more branch destination records contained within the data structure, wherein the branch destination records are associated with the identified branch statement record** (§ 66:5-8, "Thus, a data structure in file system unit 16 is created that contains information relating to all the edges in the flow chart, including the label on each edge"),

- **recording one or more branch labels into one or more branch label records contained within the data structure, wherein the branch label records are associated with the branch destination records** (§ 66:5-8, "Thus, a data structure in file system unit 16 is created that contains information relating to all the edges in the flow chart, including the label on each edge").

As per claim 18, the rejection of claim 1 is incorporated and further, Gunter discloses **that the data structure contains statement records, statement number records, destination records, text branch label records, and shape records, the method further comprising: laying out shapes as defined in the shape records; inserting text from the statement records into the shapes; linking the shapes from the destination records; and sizing the font to fit within the shapes** (§ 35:4-16, "This DOT file is then provided (i.e. exported) to graphic drawing unit 22 via graphical interface unit 18 to determine the physical layout of the nodes and edges on display unit 14. Thus, graphic drawing unit 22 annotates graph objects with specific coordinates. Such coordinates depend, among other things, on the size of display unit 14, the number of concurrent programs being tested, the size of each program and other physical constraints of the system. Once graphic drawing unit 22 completes its graph lay-out operation, it generates an updated DOT file that includes the physical lay-out information as well. The updated DOT file is then provided to graphical interface unit 18 so that it could be displayed on display unit").

As per claim 19, this is another method version of the claimed method discussed above, in claim 13, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see Gunter's interactive software testing system and method (§ 32:1-38:10).

As per claim 20, this is a computer program product version of the claimed method discussed above, in claim 1, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see Gunter's interactive software testing system and method (§ 32:1-38:10).

#### ***Response to Arguments***

4. Applicants arguments have been considered but they are not persuasive.

*In the remarks, the applicant has argued substantially that:*

- 1) Applicant claims a method and computer program product that generates a flowchart from the code statements of a computer program code. In a quite different method, Gunter discloses generating a flowchart from a compiled version of a computer program code. The invention claimed by Applicant provides a method and computer program product for converting code statements into a flowchart by placing the statements in a data structure, exporting the data structure into a drawing program and displaying the flowchart, at p. 8:3-11.

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*Examiner's response:*

1) The examiner disagrees with applicant's characterization of the applied art. Gunter discloses that "generating a plurality of nodes, edges and text indications that correspond to the instructions in the software code", at ¶ 8:3-6. Additionally, Gunter discloses that "as illustrated in FIGS. 2a and 2b, (the) server unit 20 translates code (statements) 64 into flow chart 68", at ¶ 34:1-2. The source code statements (64) are shown in fig. 2A.

*In the remarks, the applicant has argued substantially that:*

2) Applicant is unable to find within Gunter any mention of assigning a shape name to each shape appearing on the flowchart, wherein the shape name is a statement number assigned a 1st statement within the shape and wherein each shape name is less than subsequent shape names, at p. 8:16-19.

*Examiner's response:*

2) The examiner disagrees with applicant's characterization of the applied art. Gunter discloses assigning a shape name to each shape appearing on the flowchart, wherein the shape name is a statement number assigned a 1st statement within the shape and wherein each shape name is less than subsequent shape names. Fig 2B shows an assigned shape name (i.e. a statement number assigned a statement within the shape) for each shape appearing in the flowchart (e.g. 0:Start). And, fig. 2B

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discloses that each new shape name is less than subsequent shape names (i.e. there is an order).

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

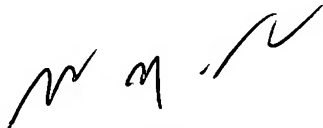
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre R. Fowlkes whose telephone number is (571) 272-3697. The examiner can normally be reached on Monday - Friday, 8:00am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARF



WEI Y. ZHEN  
PRIMARY EXAMINER